

Democratic Party of Sangamon County

118 S. Fourth Street, Springfield, IL 62701 - 217/544-0808 - Fax 217/544-4327



February 12, 2004

Lawrence Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, D.C. 20463

MUR #

5410

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 FEB 13 P 12:52

Dear Mr. Norton:

I write to file a complaint against Jim Oberweis, who is a Republican candidate for the United States Senate in Illinois. He is also the Chief Executive Officer of Oberweis Dairy, a corporation that owns a chain of ice cream stores.

The record shows that Oberweis is knowingly and willfully breaking the Federal Election Campaign Act by illegally using his company's corporate treasury funds to influence his election:

First, he has illegally coordinated television ads sponsored by the company which feature him and are intended to influence his election. These ads show him speaking directly to the camera. They are directed to Illinois voters, and they have run within one hundred twenty (120) days of the March 16, 2004, Republican Senate Primary. Conveniently, they started running four (4) days after he acknowledged his candidacy, and are the very first ads the company has ever run in its seventy-six (76) year history. Moreover, they were prepared by the political consulting firm that produced ads for his 2002 Senate campaign. This is a clear violation of Federal law.

Second, he is systematically extracting other illegal corporate contributions from Oberweis Dairy. His campaign has used Oberweis Dairy stores to host campaign events. It has given Oberweis Dairy ice cream to prospective supporters at the events. It has used Oberweis Dairy resources to sponsor a sweepstakes contest, offering a lifetime supply of free Oberweis Dairy ice cream to the winner. Presumably, it has used Oberweis Dairy employees and facilities to arrange these events and help organize the sweepstakes.

Two things make this conduct especially outrageous:

1. Oberweis claims to have sought legal advice before undertaking this blatantly illegal conduct. If true, then one can conclude that he is knowingly and willfully breaking the law.

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2. He is flouting the "soft money" ban recently passed by Congress. As a Federal candidate, Oberweis cannot spend soft money in connection with any election. Yet, as Chairman and CEO of a dairy company, he controls a corporate treasury that is providing repeated, illegal contributions to his campaign.

Even Republicans have charged that Oberweis is "playing fast and loose with Federal election laws." The Commission should immediately investigate this matter.

DISCUSSION

A. The Law Prohibits Corporate Contributions to Jim Oberweis.

A corporation may not make contributions or expenditures in connection with a Federal election. See *2 U.S.C. § 441b (2003)*. The Federal Election Commission has repeatedly enforced this prohibition against corporations led by candidates. See, *e.g.*, MUR 3918 (regarding ads run by Hyatt Legal Services to promote Joel Hyatt's 1994 campaign for U.S. Senate in Ohio); MUR 4340 *et al.* (regarding ads run by TWEEZERMAN Corporation to promote Dal LaMagna's 1996 campaign for Congress in New York).

For example, in MUR 3918, the FEC obtained \$11,000 in civil penalties from the law firm of 1994 Ohio Senate candidate Joel Hyatt, for running radio ads to influence his election. Even though the firm had been running similar ads for sixteen (16) years, and even though Hyatt himself did not appear in the ads, the FEC nonetheless found that they had been coordinated with his campaign and were thus contributions to him.

If anything, current FEC rules are even clearer on the subject than they were then. See, generally, *11 C.F.R. § 109.21 (2003)*. Specifically, if a public communication refers to a clearly identified Federal candidate, is distributed within one hundred twenty (120) days of a primary election and is directed to voters in his jurisdiction, and if the candidate or his agents have been materially involved in decisions over its content, then the costs are contributions to his campaign. See *11 C.F.R. § 109.21(c)(4), (d)*.

If a candidate appears in an advertisement, he is presumed to have been materially involved in decisions regarding its content. As the FEC recently wrote:

Given the importance of and potential campaign implications for each public appearance by a Federal candidate, it is highly implausible that a Federal candidate would appear in a communication without being materially involved in one or more of the listed conditions regarding the communication.

Advisory Opinion 2003-25. *Accord* Advisory Opinion 2004-1.

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However, corporations do not make illegal contributions just by sponsoring candidate ads. They also make illegal contributions when they make facilities, employees and other assets available to candidates for less than the usual and normal charge. See, generally, 11 C.F.R. § 114.9.

To bolster the longstanding ban on corporate contributions, in 2002 Congress passed the Bipartisan Campaign Reform Act of 2002 ("BCRA"). BCRA bans Federal candidates from spending or disbursing "soft money" – including corporate funds – in connection with Federal elections. See 11 C.F.R. § 300.61. It also imposes mandatory criminal penalties for knowing and willful violations aggregating \$25,000 or more during a calendar year. See 2 U.S.C. § 437g(d).

B. The Facts Show that Jim Oberweis is Systematically Extracting Illegal Contributions from his Company.

Jim Oberweis is the Chairman and CEO of Oberweis Dairy. He filed a Statement of Candidacy with the Commission on July 7, 2003, for the 2004 Illinois U.S. Senate election. See Attachment A.

On July 11, 2003, four (4) days after Oberweis formally acknowledged his candidacy to the Commission, Oberweis Dairy issued a press release announcing the "first television advertising campaign in the company's 76-year history". Attachment B. All of the ads featured "Chairman Jim Oberweis as spokesperson for the family-owned company." *Id.* The ads were produced by I Imagine, an advertising agency based not in Illinois, but in Washington, DC. *Id.* On information and belief, one of the principals of I Imagine, Don Walter, produced Oberweis's campaign ads when he ran for the Senate previously in 2002.

Television ads sponsored by Oberweis Dairy and featuring Jim Oberweis continue to run in Illinois media markets to this day. See, e.g., Shawn Smith, 'He needs to decide whether to serve ice cream or the public', THE HILL, Feb. 5, 2004 (Attachment C).

These ads are illegal contributions to Oberweis's campaign:

First, this is an open-and-shut case of coordination under Commission rules. See 11 C.F.R. § 109.21(c)-(d). The ads are public communications. See *id.* § 100.26. They refer to Oberweis, who is a candidate for Federal office. See *id.* § 109.21(c)(4)(i). They have been publicly distributed within one hundred twenty (120) days of the March 7th Illinois Primary. See *id.* § 109.21(c)(4)(ii). They are directed to Illinois voters. See *id.* § 109.21(c)(4)(iii). Because Oberweis appears in them, he was materially involved in the decisions regarding their content. See 11 C.F.R. § 109.21(d)(2); see also Advisory Opinions 2003-25 and 2004-1.

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Second, these ads involve even more aggravated conduct than the ads that triggered civil penalties in MUR 3918. Unlike the ads in MUR 3918, the ads here actually feature the candidate. Also, unlike Hyatt Legal Services, Oberweis Dairy can point to no history of running television ads. These ads went on the air four days after Oberweis filed his Statement of Candidacy. Moreover, the public record indicates that the ads are intended to replace his own campaign television advertising: "So far, the only campaign ad Oberweis has run is a radio spot on immigration issues." Smith, *'He Needs to Decide ...'* (Attachment C).

However, the illegal contributions to Oberweis do not stop with these ads. The record shows that he has consistently used Oberweis Dairy assets and resources to support his campaign. For example, he has held a series of "meet and greet" events at Oberweis Dairy stores. *See McKenna condemns Oberweis for milking his name*, THE LEADER-CHICAGO BUREAU, Feb. 5, 2004 (Attachment D). "Every person attending received a free scoop of Oberweis ice cream ..." *Id*

The Oberweis campaign has also sponsored a sweepstakes in which the winner receives "a chance to win a quart of ice cream each month for life." Katie Foutz, *Oberweis campaigns for U.S. Senate at own local store*, NAPERVILLE NEWS, Jan. 20, 2004 (Attachment E). See also Advertisement, State Journal-Register, Feb. 11, 2004 (Attachment F). The sweepstakes terms and conditions show all the earmarks of a corporate-sponsored enterprise. Oberweis Dairy "officers, directors, employees and advertising and promotional agencies are not eligible to enter." Sweepstakes Entry Form (Attachment G.) The prizes "will be awarded as coupons annually and will need to be retrieved at the Oberweis Dairy corporate office." *Id*.

The use of Oberweis Dairy services and facilities for the events and the sweepstakes are illegal contributions to Oberweis:

First, the record demonstrates that Oberweis has not paid the company for using its facilities for the events. Oberweis has said publicly that the receptions are "being paid for by the campaign." *McKenna condemns Oberweis for milking his name* (Attachment D). However, the Oberweis campaign's 2003 Year-End Report shows only a few small payments for "ice cream." It does not show any payments for the use of the facilities, or the cost of employee time, or the cost of whatever corporate overhead went into making these events happen.

Second, the record also suggests that Oberweis has not paid the company fully for its services in connection with the sweepstakes. Oberweis Dairy is central to the sweepstakes, not least because it will provide prizes over the course of the winner's lifetime from its corporate office. Yet there is nothing to indicate that the company is being paid, in any way, for the prizes, employee time, facilities use, or any other services.

Two things make these blatant violations especially troubling:

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Federal Election Commission

February 12, 2004

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1. They appear to be knowing and willful. The public record indicates that Oberweis and his campaign are well aware of the restrictions that govern the use of his company in connection with his campaign. For example, his campaign manager has said, "We've had legal counsel about what we can and cannot do ... We're confident that what we're doing follows the campaign finance law." *McKenna condemns Oberweis for milking his name* (Attachment D).

However, despite seeking this advice, Oberweis himself has continued to appear in corporate-funded ads within one hundred twenty (120) days of the Illinois Primary – a stark, undeniable violation of the FEC's coordination rules. See *11 C.F.R. § 109.21(c)-(d)*.

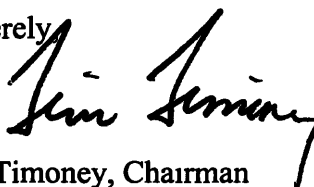
He has apparently used corporate facilities for his campaign on a largely uncompensated basis, thus violating some of the most fundamental and long-standing provisions of FEC rules. See, generally, *11 C.F.R. Part 114*. One can infer that Oberweis, while aware of the legal rules that governed his conduct, chose to proceed anyway.

2. The facts suggest that Oberweis, in his role as Chairman and CEO of the dairy company, has overseen the spending of corporate treasury funds in connection with his election. This is a plain violation of BCRA, which prohibits Federal candidates from raising or spending soft money. This is just the sort of blatant abuse that BCRA was supposed to stop. If the new law permits a candidate to oversee personally the repeated, mass spending of treasury funds on his election from a corporation that he controls, then it does nothing at all.

Even Republicans see this conduct for what it is. For example, another Republican candidate for Illinois Senate, Andy McKenna, has accused Oberweis of "playing fast and loose with Federal election laws" and "putting the entire [Republican] Party in jeopardy". *McKenna condemns Oberweis for milking his name* (Attachment D).

For these reasons, the Commission should immediately investigate Oberweis, his company and his campaign. It should seek the highest civil penalties available under the law, and take whatever other action it deems necessary or appropriate under the new campaign finance law.

Sincerely,



Tim Timoney, Chairman

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STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

SUBSCRIBED AND SWORN to before me this 12TH day of February, 2004.

Kathi E. Leepper
Notary Public

My Commission Expires:

11-14-2006



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Attachment A

07/03/03 15:27 FAX 630 443 0103

23020250534
KINKO'S ST. CHARLES

2002

RECEIVED
SECRETARY OF THE SENATE
PUBLIC RECORDS

03 JUL -7 AM 7:58

FEC FORM 2
STATEMENT OF CANDIDACY

1. (a) Name of Candidate (Printed) James D. Oberweis		2. Identification Number	
(b) Address (Number and street) 930 Garfield Ave.		<input type="checkbox"/> Check if address changed	
(c) City, State, and ZIP Code Aurora IL 60506		3. Is This Statement <input checked="" type="checkbox"/> New <input type="checkbox"/> OR <input type="checkbox"/> Amended (A)	
4. Party Affiliation Republican	5. Office Sought U.S. Senate	6. State & District of Candidate Illinois	

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2004 election(s).
(Year of Election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full)

Oberweis, For U.S. Senate 2004

(b) Address (Number and street)

930 Garfield Ave.

(c) City, State, and ZIP Code

Aurora IL 60506

DESIGNATION OF OTHER AUTHORIZED COMMITTEE

(Including Joint Fundraising Representative)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidate.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

DECLARATION OF INTENT TO EXPEND PERSONAL FUNDS (House or Senate Only)

9. I intend to expend personal funds exceeding the threshold amount (see 11 C.F.R. 403 (b)) by

9A. <input type="checkbox"/> for the primary election, and
9B. <input type="checkbox"/> for the general election.

If you do not intend to expend personal funds exceeding the threshold amount for either election, you must enter "0.00" for each.

I certify that I have examined this statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate

James D. Oberweis

Date

7/3/03

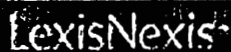
NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this statement to penalties of 18 U.S.C. §473g.

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FEC FORM 2

FEC 104412 (Rev. 02/2002)

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July 11, 2003, Friday

SECTION: STATE AND REGIONAL NEWS

DISTRIBUTION: TO FOOD AND RADIO-TELEVISION EDITORS

LENGTH: 493 words

HEADLINE: Oberweis Dairy Premieres First Television Ad Campaign

DATELINE: NORTH AURORA, Ill , July 11

BODY:

In conjunction with National Ice Cream Month, Oberweis Dairy is kicking off the first television advertising campaign in the company's 76-year history with four new spots that will be airing on Chicago-area network and cable programs this summer. "Grandpa," "Love at First Sight," "Sunny Side Up," and "It's Your Morning" all feature Chairman Jim Oberweis as spokesperson for the family-owned company.

"We've grown dramatically in the last few years, doubling the number of our company-owned stores to 28 and expanding our home delivery base to 45,000 people," says Oberweis. "Summer is high season for our ice cream business, so we believe the time is right for us to invest in a major television advertising push."

Filmed locally, all of the spots use humor to drive home the dairy's old-fashioned American values. "Grandpa" is a brand spot that features a heartfelt conversation between Jim Oberweis, 57, and his real-life granddaughter Emily Roberts, 10. "Love at First Sight" focuses on a pair of high school students who find love at an Oberweis Dairy Store. "Sunny Side Up" features Jim Oberweis making breakfast for a pair of home delivery customers. In "It's Your Morning," an Oberweis driver brings his customers the morning paper and pours cream in their coffee.

Starting July 13, the commercials will be on heavy rotation in Chicago for eight weeks during television programs such as The Today Show and The Oprah Winfrey Show, and cable networks including HGTV, Lifetime, TLC and The Food Channel.

The spots were created by Washington D.C.-based I Imagine, and feature the company's "Simply the Best" tagline. Oberweis Dairy plans to create additional television spots for the upcoming holiday season.

About Oberweis Dairy

Headquartered in North Aurora, Illinois, Oberweis Dairy has been providing families "Simply the Best" milk since 1927. The home delivery business, which started in 1927, currently serves more than 45,000 homes in Chicago, Northwest Indiana, Central Illinois and St. Louis. For more than 50 years, Oberweis has made the best tasting ice cream in the world using only the finest ingredients and time-honored quality processing. Oberweis Dairy operates 28 Ice Cream and Dairy stores in Chicago and St. Louis. For more information, go to www.oberweis.com or call 1-888-MILK-TO-U (888-645-5868).

CONTACT: Mark Vance of Oberweis Dairy, Office, +1-630-801-6103, Mobile,
mark.vance@oberweisdairy.com , or Jam Stewart of PR21 for Oberweis Dairy, Office, +1-312-396-
9748, Mobile, jam.stewart@pr21.com

SOURCE Oberweis Dairy

CONTACT: Mark Vance of Oberweis Dairy, Office, +1-630-801-6103, or Mobile
mark.vance@oberweisdairy.com , or Jam Stewart of PR21 for Oberweis Dairy, Office, +1-
312-396-9748, or Mobile jam.stewart@pr21.com

URL <http://www.prnewswire.com>

LOAD-DATE: July 12, 2003

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'He needs to decide whether to serve ice cream or the public'

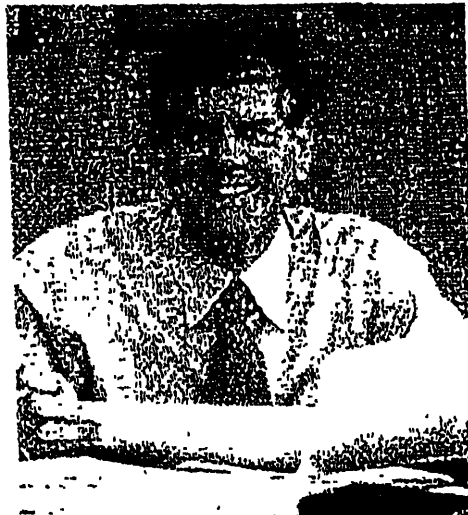
By Shawn Smith, February 5, 2003

http://www.hillnews.com/campaign/020504_oberweis.aspx

Illinois Republican Senate candidate Jim Oberweis runs the risk of further tarnishing the name of the state party if he doesn't pull his ice-cream ads pronto, one of Oberweis's GOP rivals charged Wednesday.

Invoking recent memories of the scandals surrounding former Gov. George Ryan (R), a spokesman for Senate candidate Andy McKenna (R) said the Oberweis spots could make it tough for the party to hold onto the seat.

"[It's] adding to the cloud surrounding the Republican Party," John McGovern, a McKenna spokesman, said. "There's been many questions raised about the legal and ethical propriety of these corporate ads, and to avoid any further questions, he should pull the ads. He needs to decide whether to serve ice cream or serve the public."



courtesy of jim oberweis's campaign
Oberweis Dairy CEO Jim Oberweis

The controversy stems from a series of ads being run by Oberweis Dairy promoting home delivery of the dairy's ice cream and milk. The ads, which have been running for several months but have only recently drawn fire from other Republicans, are not campaign spots, but they do feature Oberweis speaking directly to the camera.

During a forum Tuesday on Chicago-based WBEZ-FM 91.5, McKenna called on Oberweis to yank the dairy ads.

Jeff Metzger, an Oberweis campaign spokesman, responded to criticism from the McKenna campaign by noting that other candidates in the primary talk about being teachers or serving in the military — and asking why Oberweis shouldn't have the freedom to make known his years as a "dairyman."

Oberweis is the CEO of Oberweis Dairy and Oberweis Assets Management.

So far, the only campaign ad Oberweis has run is a radio spot on immigration issues. Mark Vance, an Oberweis Dairy spokesman, said the company had been planning to run ads since last spring. Before July, the home-delivery company had never used television ads in its 76-year history.

Kelli Phiel, communications director for GOP Senate candidate Jack Ryan, declined to condemn the Oberweis campaign but did say it blurs the lines of campaign ethics.

A McKenna spokesman also speculated that the Illinois Democratic Party might consider filing an FEC complaint about the television spots if they are not pulled soon.

State Democratic Party Chairman Michael Madigan could not be reached for comment.

Republicans, like Democrats, will select their Senate nominee March 16. The eventual winner will replace outgoing Sen. Peter Fitzgerald (R), who is not seeking a second term.

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THE ILLINOIS Leader

ILLINOIS' CONSERVATIVE NEWS SOURCE

<http://www.illinoisleader.com>

McKenna condemns Oberweis for milking his name

Friday, February 06, 2004

By The Leader-Chicago Bureau (chicago@illinoisleader.com)

GLENVIEW -- On Thursday via fax, Republican U.S. Senate candidate Andy McKenna of Glenview accused fellow GOP candidate Jim Oberweis of "playing fast and loose with Federal election laws," and "putting the entire [Republican] Party in jeopardy" by running Oberweis Dairy television ads in conjunction with Oberweis' campaign.

McKenna challenged Oberweis to "pull the ads immediately to spare the Republican Party any future exposure to allegations of unethical behavior."

"In recent years, the Republican Party has suffered through a series of scandals, and we can ill afford to nominate a candidate whose integrity may be questioned once again," McKenna wrote. "As candidates, we all have a responsibility to lead by example and hold ourselves up to the highest ethical standards in order to restore voters' faith in the Republican Party. . ."

McKenna's criticism of Oberweis "co-mingling business and politics" began last week during candidate forums. This past Tuesday night, McKenna restated his objection to Oberweis' ads during a WBEZ radio forum.

Thus far, McKenna is the only candidate of the eight Republicans on the March 16th primary ballot who has publicly criticized Oberweis' ads.

Wednesday evening, Oberweis was asked by *Illinois Leader* what his defense was against McKenna's criticisms. On Wednesday, Oberweis held the last of a series of "meet and greet" events at Oberweis Ice Cream stores in the Chicago area. Republican voters within a three-mile radius of the Aurora store and Oberweis Dairy plant were invited to the reception with an eight by eleven inch, full color mailer to come to the Oberweis store and "Get the Scoop on Jim Oberweis."

Every person attending received a free scoop of Oberweis Ice cream, and were given an opportunity to sign up for Oberweis' new sweepstakes with a grand prize of Ice Cream for Life. Midway through the two-hour reception, the store was full of people and Jim Oberweis was introducing himself with a handshake as the customers walked in.

"Look, we are very proud of our name and our product," Oberweis said. "This reception is being paid for by the campaign, and there is nothing illegal about this. My response to Andy's comments is, 'It's too bad that Andy has no issues to debate with me, that he has to make personal attacks.'"

Oberweis' campaign manager agreed.

"We've had legal counsel about what we can and cannot do," Kelly O'Brien, Oberweis' campaign manager, said. "We're confident that what we're doing follows the campaign finance law."



GOP U.S. Senate candidate Andy McKenna (left) criticized primary opponent Jim Oberweis (right) for "co-mingling business and politics" with the Oberweis Dairy ads.

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After receiving the letter from McKenna today, Oberweis responded via fax to the McKenna campaign office in Glenview.

Oberweis cut to the chase in his reply to McKenna.

"You appear to be trying to imply that I'm breaking the law; but you don't ever come right out and say it because you know I'm not," Oberweis replied.

"I know you said last week that we shouldn't waste our time criticizing other Republicans. I would hope in the future that if you continue to violate that pledge, you would at least restrict your criticism to issues," Oberweis wrote.

Alluding to statewide radio ads which have been running in opposition to the President's policy on illegal immigration and another newly-released radio ad speaking out against same sex marriage, Oberweis suggested that focusing on issues rather than personal attacks has helped the Oberweis campaign to do so well

"Perhaps you should try it," Oberweis quipped at the end of the message.

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What are your thoughts concerning the issues raised in this news story? Write a letter to the editor at letters@illinoisleader.com, and include name and town.

27044161703

Oberweis campaigns for U.S. Senate at own local store

By Katie Foutz
STAFF WRITER, NAPERVILLE

Republican U.S. Senate candidate Jim Oberweis spent a couple of hours Monday night sweet-talking potential voters and handing out free ice cream at his namesake store in south Naperville.

"Campaigns don't have to be boring," he said. "We're here to have an ice-cream cone and talk politics. It's 8 degrees out there, and people are still coming in."

Oberweis, an Aurora resident, has made campaign stops at five of his 27 Chicago-area Oberweis Dairy stores to offer each visitor a free scoop of ice cream and a chance to win a quart of ice cream each month for life.

The sweepstakes form also asks entrants to rank political issues important to them.

Oberweis is one of nine candidates running for the Republican nomination in the March 16 primary to replace retiring U.S. Senator Peter Fitzgerald, R-Inverness.

His opponents have questioned the "dairy tour," accusing Oberweis of skirting campaign finance laws that prohibit candidates from accepting corporate contributions. However, the ice cream, the sweepstakes and the event advertisements are paid for by the Oberweis for U.S. Senate campaign, not the stores.

Wearing a necktie decorated with a stack of ice-cream scoops, Oberweis circled the tables in the store, chatting with more than 50 customers about his experience in creating jobs, his hope for stronger immigration control and his ideas about cutting government waste.

Ernst von Hoch, a Naperville resident who became a naturalized U.S. citizen in 1968, came to meet Oberweis because he agrees with his stance on immigration. Von Hoch's parents are Romanian and Hungarian.

"Congress has passed five different amnesty acts, but there are still illegal aliens," he said. "It bothers me that I'm paying taxes to this."

Naperville resident Dawne Martin, who brought her three children to the event, knew Oberweis as a dairy name but not as a political candidate. She said she now plans to start reading more newspaper articles about all the candidates.

Naperville resident Paul Weibel handed out stickers and ran sweepstakes sign-ups. He volunteered to campaign for Oberweis after meeting him at a Chicago Bears game and learning his stance on abortion.

"Pro-life is probably my number one case," Weibel said. "I checked with friends in my parish (Holy Spirit Catholic Community) ... and they spoke very highly of his commitment to that."

01/20/04

<http://www.suburbanchicagonews.com/sunpub/naper/news/n0120ober.htm>

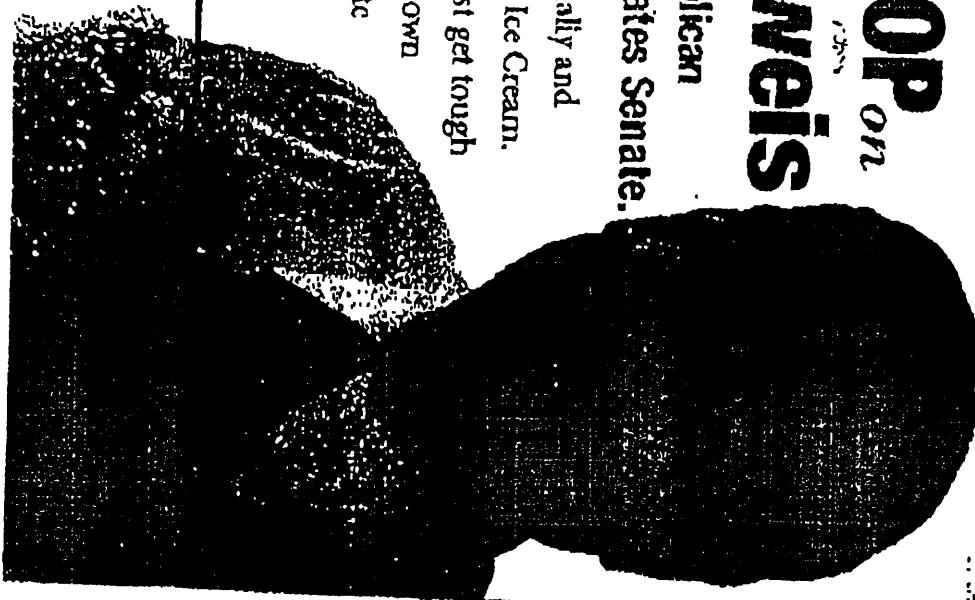
27044161704

Get the **SCOOP** on **Jim Oberweis**

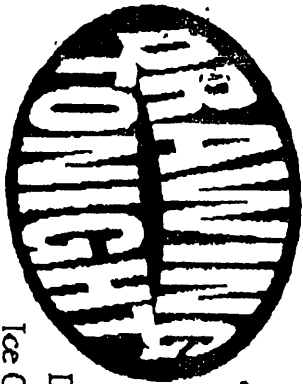
Dairy owner and Republican
candidate for United States Senate.

Come by and meet Jim personally and
get a FREE scoop of Oberweis Ice Cream.
Learn why Jim believes we must get tough
on illegal immigration, crack down
on government waste and create
more Illinois jobs through
expanded trade.

Join Us Tonight
Wednesday
6pm-8pm



THE OFFICIAL OF
Columbus Council
2200 S. Meadowbrook



The Official
Ice Cream for
Life Sweepstakes
Drawing is Tonight

Don't worry, you can still enter the Oberweis
Ice Cream for Life Sweepstakes. Just show up
tonight and fill out the entry form. It's free,
it's fun and it ends tonight!

Oberweis
U.S. Senate

© 1977 Oberweis Dairy, Inc.

INQUIRY

PAGE 8

2704161706

Attachment 4

Ice Cream for Life Sweepstakes

Oberwe's

U.S. Senate



You must be over 18 years old to participate in the Oberwe's Ice Cream for Life Sweepstakes

Date of birth ____/____/____

Name*

Address*

City*

State*

Zip*

Phone Number*

E mail

Please rank the issues listed below in order of importance from one to five. One being the most important, five being the least important.

	Rank
Illegal Immigration	_____
Cutting Taxes	_____
Cutting Government Waste	_____
Pro-Life Issues	_____
2nd Amendment Rights	_____

Other comments or issues: _____

*Required Fields

Paid for by Oberwe's for U.S. Senate 2004, Inc.

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27044161708

Official Rules NO PURCHASE NECESSARY A PURCHASE WILL NOT INCREASE YOUR CHANCES OF WINNING. Open to legal residents of the state of Illinois who are 18 years of age and older Employees of Oberweis for U.S. Senate 2004 and Oberweis Dairy and their respective officers, directors, employees and advertising and promotional agencies are not eligible to enter to enter go to an Oberweis event location listed during the designated times and complete a brief survey regarding the issues that are most important to you. Or you may enter by filling out the survey online by going to www.Oberweis2004.com and completing the survey there. Limit one entry per person regardless of method of entry. Entries become property of Sponsor and will not be returned. All online entries must be received by February 10, 2004 and event entries must be received by February 11, 2004. Web entrants must have a valid e-mail address. Prize will be awarded in a random drawing from all eligible entries received on or about February 11, 2004. Winner will be notified by mail or telephone. Drawing will be conducted by Oberweis for U.S. Senate 2004, whose decisions are final and binding. (1) Prize: one quart of Oberweis ice cream per month for life! Prize will be awarded as coupons annually and will need to be redeemed at the Oberweis Dairy corporate office. Valid for one quart of Oberweis ice cream per month for the life of the winner up to a maximum of 50 years, whichever is shorter. Coupons will be valid only for the winner's use and only valid for a particular year. Approximate Maximum Total Retail Value of Prize: \$2,500. Winner is responsible for all local state and federal income tax on prize. Prize is nontransferable and no substitution or cash redemption will be made. Odds of winning depend on the number of eligible entries received. Acceptance of prize, constitutes winner's consent for Sponsor to use his/her name and likeness in advertising and promotion, except where prohibited. As a condition of entering, entrants agree: (a) to release Sponsor, its directors, employees, and agents, including without limitation its advertising and promotion agencies, from any and all liability, loss or damage incurred with respect to the awarding, receipt, possession, and/or use or misuse of any prize, (b) under no circumstances will entrant be permitted to obtain awards for and participant hereby waives all rights to claim, punitive, incidental, consequential or any other damages other than for actual out-of-pocket expenses, (c) all causes of action arising out of or connected with this sweepstakes, or any prize awarded shall be resolved individually, without resort to any form of class action, (d) any and all claims, judgments, and award shall be limited to actual out-of-pocket costs incurred, but in no event attorneys fees and (e) submission of an entry grants Sponsor and its agents the right to publish, use, adapt, edit and/or modify such entry in any way in any and all media, without limitation and without consideration to the entrant. Submission of any entry further constitutes the entrant's consent to irrevocably assign and transfer to the Sponsor any all rights, title and interest in the entry, including, without limitation, all copyrights. Sponsor reserves the right, in its sole discretion to cancel or suspend the online portion of the sweepstakes and randomly award the prizes from among all eligible online entries received prior to action taken and all offline entries received, should fraud, virus, bugs or other causes beyond the control of Sponsor corrupt the administration, security or proper play of the game. With respect to computer entries, Sponsor is not responsible for computer system, phone line, hardware, software or program malfunctions, or other errors, failures or delays in computer transmissions or network connections that are human or technical in nature. Sponsor reserves the right at its sole discretion to disqualify any individual (and all of his or her Sweepstakes entries) who tampers with the entry process. Automated entries are prohibited, and any use of such automated devices will cause disqualification. In the event of a dispute regarding the identity of the person submitting an electronic entry, the entry will be deemed to be submitted by the "authorized account holder" person in whose name the e-mail account is registered, provided that person meets all eligibility criteria set forth in the Eligibility section of these Official Rules. This Sweepstakes is governed by laws of Illinois and all entrants hereby submit to the jurisdiction and venue of Cook County, Illinois for the resolution of all claims and disputes. Void where prohibited. Sponsored by Oberweis for U.S. Senate 2004 Inc., 44 1/2 West Downer Place, Aurora, IL 60506. The name of the winner will be posted at www.Oberweis2004.com upon confirmation of eligibility not to extend past April 1, 2004. If you want to be removed from the sweepstakes mailing list, write us at the address provided.